

---

**Early Learning & Children's Services  
Committee**

---

**HB 2164**

**Brief Description:** Remediating racial disproportionality in child welfare practices.

**Sponsors:** Representatives Pettigrew, Haler, Santos, McCoy, Miloscia, Kagi, Hunt, Kenney, Sullivan, Darneille, Seaquist, Roberts, Chase, Hasegawa, Dickerson and Goodman.

**Brief Summary of Bill**

- Directs the Washington State Institute for Public Policy to evaluate the impact of selected interventions on racial disproportionality in Washington's child welfare system and report its finding by September 1, 2010.

**Hearing Date:** 2/20/09

**Staff:** Sydney Forrester (786-7120)

**Background:**

The disproportionate representation of a racial or ethnic group within a system is often referred to as racial disproportionality. In the child welfare and juvenile justice systems, racial disproportionality occurs when a particular racial or ethnic group of children is represented at a higher percentage than other racial or ethnic groups. The concept of racial disproportionality looks across racial and ethnic groups at the relative ratios of children in a system.

Research at the national level illustrates that children of color are represented in foster care at a rate higher than these children are represented in the general population. Within Washington, the most recent look at racial disproportionality in child welfare is the work done by the Racial Disproportionality Advisory Committee (RDAC) created by the Legislature in 2007. The Washington State Institute for Public Policy (WSIPP) provided technical assistance to the RDAC to examine and analyze:

- the level of involvement for children of color in the state's child welfare system;

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- the number of children of color in low-income or single-parent families involved in child welfare;
- the structures of families involved in child welfare; and
- the outcomes for children in the existing system.

In June 2008 the RDAC and the WSIPP reported the results of their analysis of about 58,000 children who were rereferred to Child Protective Services (CPS) in 2004, and followed the outcomes for those children through 2007. The analysis reflects that patterns of disproportionality were evident at the time of reports to CPS alleging child abuse or neglect and that compared with White children:

- American Indian children were three times as likely to be referred to CPS.
- Black children were nearly twice as likely to be referred to CPS.
- Hispanic children were 1.3 times as likely to be referred to CPS.
- Asian children were less likely to be referred to CPS.

The WSIPP research also indicates that disproportionality occurred within the child welfare system and patterns of disproportionality varied by race. Compared with White children referred to CPS, after referral:

- American Indian children were 1.6 times as likely to be removed from home and twice as likely to remain in foster care for over two years.
- Black children were 1.2 times more likely to be removed from home and 1.5 times more likely to remain in care for over two years.
- Hispanic children were no more likely to be removed from home or to remain in care for over two years.
- Asian children were no more likely to be removed from home and less likely to remain in care for over two years.

In response to the WSIPP findings, the RDAC developed the first phase of a remediation plan and recommended that two practices being implemented by the Children's Administration, structured decision-making and the family team decision-making model, be studied to determine their impacts on racial disproportionality. Other recommendations from the RDAC include:

- implementing policies to ensure equitable services and supports for children and families using kinship care;
- measuring compliance with the Indian Child Welfare Act (ICWA);
- enacting a state version of the ICWA;
- requiring training across various systems to focus on cultural competency and understanding race and racism;
- reducing caseloads for child welfare and child protection workers;
- revising the training for mandatory reporters;
- assessing the cultural competency of the Children's Administration as an organization;
- implementing a racial equity impact analysis tool; and
- exploring implementation of in-home community-based services to keep children safe and reduce the need for out-of-home placements.

### **Summary of Bill:**

The WSIPP is directed to evaluate the impact of structured decision-making (SDM) practices and the family team decision-making (FTDM) model on the disproportionate representation in

the state's child welfare system. The evaluation is to be accomplished within appropriated funding or within amounts received from private grants or contributions. If adequate funding is not available to evaluate both practices, the FTDM model shall be evaluated first. The Department of Social and Health Services (DSHS) and the WSIPP must complete the necessary data sharing agreements and identify potential sources of private funding to supplement any state appropriated amounts. The WSIPP shall report its findings to the Legislature and the DSHS by September 1, 2010.

**Appropriation:** None.

**Fiscal Note:** Requested on February 18, 2009.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.